

108TH CONGRESS
2D SESSION

H. R. 3988

To amend the Higher Education Act of 1965 by strengthening and expanding the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) in order to facilitate the transition of low-income high school students into post-secondary education.

IN THE HOUSE OF REPRESENTATIVES

MARCH 17, 2004

Mr. FATTAH introduced the following bill; which was referred to the
Committee on Education and the Workforce

A BILL

To amend the Higher Education Act of 1965 by strengthening and expanding the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP) in order to facilitate the transition of low-income high school students into post-secondary education.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; REFERENCES.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “GEAR UP & GO Act”.

6 (b) REFERENCES.—Except as otherwise expressly
7 provided, whenever in this Act an amendment or repeal

1 is expressed in terms of an amendment to, or repeal of,
 2 a section or other provision, the reference shall be consid-
 3 ered to be made to a section or other provision of the
 4 Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

5 **SEC. 2. CONTINUUM OF SERVICES.**

6 (a) AWARDS.—Section 404A(b)(2)(B) (20 U.S.C.
 7 1070a–21(b)(2)(B)) is amended by inserting after
 8 “through the completion of secondary school” the fol-
 9 lowing: “or through the first year of attendance at a post-
 10 secondary education institution”.

11 (b) COHORT APPROACH.—Section 404B(g)(1)(B)
 12 (20 U.S.C. 1070a–22(g)(1)(B)) is amended by inserting
 13 after “through the 12th grade” the following “or through
 14 the first year of attendance at a postsecondary education
 15 institution to students in the participating grade level”.

16 (c) EARLY INTERVENTION.—

17 (1) USES OF FUNDS.—Section 404D(b)(2) (20
 18 U.S.C. 1070a–24(b)(2)) is amended by inserting
 19 after “through grade 12” the following: “or through
 20 the first year of attendance at a postsecondary edu-
 21 cation institution”.

22 (2) PRIORITY STUDENTS.—Section 404D(c) is
 23 amended by inserting after “through grade 12” the
 24 following “or through the first year of attendance at
 25 a postsecondary education institution”.

1 **SEC. 3. CONTINUING ELIGIBILITY.**

2 Section 404A (20 U.S.C. 1070a–21) is amended by
3 adding at the end the following new subsection:

4 “(d) CONTINUING ELIGIBILITY.—An eligible entity
5 shall not cease to be an eligible entity upon the expiration
6 of any grant under this chapter (including a continuation
7 award). The Secretary shall require any such entity seek-
8 ing a new grant to demonstrate the effectiveness of the
9 prior programs under this chapter in its plan submitted
10 under section 404C.”.

11 **SEC. 4. FINANCIAL EDUCATION AND COUNSELING.**

12 Section 404D (20 U.S.C. 1070a–24) is amended—

13 (1) in subsection (a)(1)(B)(i), by inserting be-
14 fore the semicolon at the end the following: “, and
15 counseling and education regarding financial cost re-
16 quirements for college”; and

17 (2) in subsection (b)(2)(A)(ii), by striking “ca-
18 reer mentoring” inserting “career planning and
19 mentoring, academic counseling, and financial lit-
20 eracy, education, or counseling pertaining to the
21 process of going to college”.

22 **SEC. 5. SCHOLARSHIP COMPONENT.**

23 Section 404E(b)(2) (20 U.S.C. 1070a–25(b)(2)) is
24 amended by inserting after “section 401 for such fiscal
25 year” the following “, or \$5,800, whichever is less”.

1 **SEC. 6. DUAL/CONCURRENT ENROLLMENT.**

2 (a) AMENDMENT.—Chapter 2 of part A of title IV
3 is amended—

4 (1) by redesignating section 404G and 404H
5 (20 U.S.C. 1070a–27) as sections 404H and 404I,
6 respectively; and

7 (2) by inserting after section 404F the fol-
8 lowing:

9 **“SEC. 404G. DUAL/CONCURRENT ENROLLMENT.**

10 “(a) PROGRAM AUTHORITY.—The Secretary is au-
11 thorized to carry out a program to be known as ‘GEAR
12 UP & GO’, to provide growing opportunities for dual/con-
13 current enrollment, which shall be designed to provide low-
14 income high school students participating in GEAR UP
15 partnerships or State programs the opportunity to enroll
16 in college courses while still enrolled in high school. In
17 such program, students shall not be required to apply for
18 admission to the institution of higher education in order
19 to participate, but may receive college credit.

20 “(b) STUDENT ELIGIBILITY.—Except as provided in
21 subsection (e)(2), a student shall be eligible for the pur-
22 pose of this section, if the student—

23 “(1) is enrolled in GEAR UP partnerships or
24 State programs;

25 “(2) is enrolled in 10th, 11th, or 12th grade;
26 and

1 “(3) has demonstrated academic readiness for
2 college courses as determined by the applying entity.

3 “(c) PERMISSIBLE SERVICES.—An entity receiving
4 funding under this section may provide services such as—

5 “(1) the offering of core non-remedial college
6 courses as determined by the post secondary institu-
7 tion in which participating students—

8 “(A) receive instruction from a postsec-
9 ondary institution faculty member at the sec-
10 ondary site;

11 “(B) take courses from a postsecondary in-
12 stitution faculty member on-site at the postsec-
13 ondary institution;

14 “(C) receive college level instruction from
15 high school faculty who hold the same creden-
16 tials as postsecondary faculty or who meet
17 qualifications and standards approved by the
18 postsecondary institution; or

19 “(D) enroll in an early/middle college high
20 school in which students may earn college credit
21 through a coherent course of study leading to
22 a postsecondary degree and high school diploma
23 in an accelerated timeframe;

24 “(2) underwriting the per-credit costs of college
25 courses;

1 “(3) assistance with the selection of core non-
2 remedial college courses by students;

3 “(4) tutorial services pertaining to the core
4 non-remedial college courses in which students are
5 enrolled; and

6 “(5) purchasing books, supplies, and transpor-
7 tation.

8 “(d) REQUIREMENTS FOR APPROVAL OF APPLICA-
9 TIONS.—In approving applications for GEAR UP & GO
10 under this section for any fiscal year, the Secretary
11 shall—

12 “(1) award funds under this program on an an-
13 nual basis and determine the average award;

14 “(2) take into consideration whether partici-
15 pating students in a dual/concurrent enrollment pro-
16 gram will receive college credit;

17 “(3) require an assurance that an entity apply-
18 ing for funding under this section meet the require-
19 ments of section 404A(c); and

20 “(4) not approve a plan unless such a plan—

21 “(A) details the criteria used for deter-
22 mining student academic readiness or qualifica-
23 tions for participation in the dual/concurrent
24 enrollment program; and

1 “(B) specifies the methods by which funds
2 will be spent for carrying out the program.

3 “(e) EARLY/MIDDLE COLLEGE HIGH SCHOOL.—

4 “(1) RESERVATION FOR GRANTS.—The Sec-
5 retary of Education shall reserve, at a maximum, 25
6 percent of the funds appropriated under subsection
7 (f) for any fiscal year for a program of grants to
8 early/middle college high school.

9 “(2) ELIGIBLE PROGRAMS.—For purposes of
10 this subsection, an early/middle college high school is
11 a school that is designed to provide 9th through
12 12th grade low-income and first-generation college
13 students with a coherent course of study enabling
14 them to earn simultaneously a high school diploma
15 and college credit toward a postsecondary degree.

16 “(3) REQUIREMENTS.—Except as provided in
17 paragraph (4), the programs provided funds under
18 this subsection shall comply with the requirements of
19 subsections (b), (c), and (d) of this section.

20 “(4) EXCEPTION.—Notwithstanding subsections
21 (b)(1) and (d)(3)—

22 “(A) a student served in a program funded
23 by a grant under this subsection is not required
24 to be enrolled in a GEAR UP partnership or
25 State program; and

“(B) an entity applying for funding under this subsection is not required to meet the requirements of section 404A(c).

4 “(f) AUTHORIZATION OF APPROPRIATIONS.—In addi-
5 tion to the sums authorized by section 404I, there are au-
6 thorized to be appropriated to carry out this section
7 \$50,000,000 for fiscal year 2005 and such sums necessary
8 for each of the 5 succeeding years.”.

9 (b) CONFORMING AMENDMENTS.—Chapter 2 of part
10 A of title IV is further amended by striking “section
11 404H” each place it appears and inserting “section 404I”.

12 SEC. 7. EVALUATION, REPORT, AND TECHNICAL ASSIST-
13 ANCE.

Section 404H (20 U.S.C. 1070a–27), as redesignated
by section 5(1) of this Act, is amended by adding at the
end the following new subsection:

“(e) TECHNICAL ASSISTANCE.—In order to assist current grantees in strengthening partnerships, leveraging resources, and sustaining programs, the Secretary shall award not more than 0.75 percent of the funds appropriated under section 404I for a fiscal year to the national education organization that has served as technical assistance provider for this program.”.

1 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 404I (20 U.S.C. 1070a–28), as redesignated
3 by section 5(1) of this Act, is amended to read as follows:

4 **“SEC. 404I. AUTHORIZATION OF APPROPRIATIONS.**

5 “There are authorized to be appropriated to carry out
6 this chapter \$500,000,000 for fiscal year 2005 and such
7 sums as may be necessary for each of the 5 succeeding
8 fiscal years.”.

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